

# ***Council Meeting*** – *Agenda*

## ***CITY COUNCIL CALENDAR***

***Thursday, October 25, 2007 - 7:00 p.m.***

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***OPENING OF SESSION BY: COUNCIL PRESIDENT DAVID ALVES***

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***PRAYER LED BY: REVEREND PAMELA J. COLE, PRESIDENT  
GREATER NEW BEDFORD CHAPTER OF CHURCH WOMEN UNITED***

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***PLEDGE OF ALLEGIANCE***

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### ***RESOLUTIONS***

1. RESOLUTION, Councillors Morad and Pina, honoring the NEW BEDFORD CREDIT UNION on its 75<sup>TH</sup> ANNIVERSARY.
2. RESOLUTION, Council President Alves, honoring HENRI'S AUTO SALES of the WHALING CITY YOUTH BASEBALL LEAGUE and WINNERS OF THE 2007 CHAMPIONSHIP TITLE.
3. RESOLUTION, Councillor Gonsalves, honoring JANET ADAMS RATCLIFFE on the occasion of her NINETIETH BIRTHDAY CELEBRATION.

### ***HEARINGS***

4. PETITION, NSTAR Electric Company, for location of four (4) 4" conduits and one (1) Vault in CHANCERY STREET, North of Maple Street.
  - 4a. AN ORDER,
5. PETITION, NSTAR Electric Company, for location of one (1) handhole in UNION STREET, East of Water Street.
  - 5a. AN ORDER,
6. PETITION, NSTAR Electric Company, for location of three (3) 4" conduits in LOGAN STREET, East of Acushnet Avenue.
  - 6a. AN ORDER,
7. PETITION, NSTAR Electric Company, for location of two (2) 4" conduits and one (1) handhole in HAWTHORN STREET, Opposite Irving Street.
  - 7a. AN ORDER,

**MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Lang, to City Council, submitting a request for a ONE-YEAR WAIVER OF RESIDENCY for MR. MANUEL PEREIRA, 34 Lussier Street, Acushnet, MA 02743 for the position of Plumbing & Gas Fitting Inspector; this waiver will expire October 26, 2008.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of DEREK SANTOS, 334 Union Street, New Bedford, MA 02740 to the HISTORICAL COMMISSION, replacing Joan Beaubian who resigned September 2007; this term will expire February 2010.

M3. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of JENNIFER W. GONSALVES, 46 Pearl Street, New Bedford, MA 02740 to the PLANNING BOARD, replacing Derek Santos whose term expired October 2007; this term will expire October 2010.

M4. COMMUNICATION, Mayor Lang, to City Council submitting the APPOINTMENT of RALPH TATE, 15 Eddy Street, Fairhaven, MA 02719 as a SPECIAL POLICE OFFICER.

M4a. APPLICATION,

**NEW BUSINESS**

8. REPORT, Committee on Ordinances, recommending that the City Council APPROVE AN ORDINANCE, Relative to Prohibited Sale of Items.

8a. AN ORDINANCE,

9. REPORT, Committee on Ordinances, recommending that the City Council GRANT a ONE-YEAR WAIVER OF RESIDENCY for ATTORNEY SHANNON COBB SHREVE, 12 Horseshoe Circle, Sandwich, MA, as Full-Time Procurement and Compliance Attorney with the Office of the City Solicitor; this Waiver will expire October 2008.

10. WRITTEN MOTION, Councillor Coelho, requesting, on behalf of the Caroline Street Hope Six Neighborhood Group, that the Department of Inspectional Services, Health Inspectors and Health Department look into the following issues at 115 Willis Street: trash strewn about everywhere, blown-out windows and, although the front door of the building is wide open, you are prevented from seeing in, due to piles of garbage blocking the view piles of and blocking access to the stairway to the degree that you cannot walk upstairs and that Police take notice and appropriate action to stop the tenants yelling at all hours of the day and night.

11. WRITTEN MOTION, Councillor Coelho, requesting that the New Bedford Police Department and the New Bedford Housing Authority investigate the numerous complaints made by Building 19 Management regarding the theft of their store carts by residents of the Brickenwood Housing Complex, which is an ongoing problem averaging about 400 carts per year, causing financial hardship to Building 19; and further, that the Police assist Building 19 employees who attempt to retrieve these stolen carts are threatened by thugs residing in the Brickenwood Housing Complex; also, it has been brought to this Councillor's attention that many of these stolen carts have made their way to A.W. Martin, Inc., a recycling business located at 1080 Shawmut Avenue where they are taken apart for scrap, and Police should consider and treat these carts as stolen items/goods.

12. WRITTEN MOTION, Councillor Saunders, requesting on behalf of New Bedford High School, that the following streets(s) be CLOSED: PARKER STREET, from Hathaway Boulevard to Liberty Street, on SATURDAY, NOVEMBER 03, 2007, FROM 8:00 A.M. TO 5:00 P.M. for the purpose of New Bedford High School's Annual Band Competition.

13. WRITTEN MOTION, Councillor Coelho, requesting that the Traffic Commission review their pre-pay parking machine service located at Custom House Squares, this machine does not give correct change; and further, that they also post a sign instructing people to go to the Elm Street Garage if assistance is required.

14. WRITTEN MOTION, Councillor Coelho, requesting, that the City Council send a letter to Dunkin Donuts, 94 Granfield Street, asking that they install a caution sign with mirrors at their drive-thru, since there is not enough clearance to provide any visibility as you proceed onto the sidewalk, and there have been several near-miss accidents as customers exit said drive-thru.

15. WRITTEN MOTION, Councillor Coelho, requesting on behalf of Mr. Stephen P. Sylvia, Sr., that the Park Department and Animal Control post signage, and take whatever action necessary, to compel Citizens to comply with Chapter 4, Section 4-29 of the Code of Ordinances, “Relative to Dangerous Dogs”, No dogs are allowed on or within 500 feet of any City Park, or Playground whether at large or under restraint”; Mr. Sylvia and his son, have been approached by aggressive dogs running off lead at Buttonwood Park on numerous occasions while the animals’ owners are standing nearby; and further, that the Committee on Ordinances look into increasing the fine for unleashed dogs in public places. (Ordinance enclosed.)

16. WRITTEN MOTION, Councillor Coelho and Council President Alves, requesting that the Mayor and the Office of Tourism/Marketing consider installing an additional stop in the Downtown area for the Fast Ferry Shuttle for the purpose of a tourist feature before proceeding out to the Fast Ferry Terminal; at present, the shuttle service is only from the parking lot directly to the ferry terminal.

17. COMMUNICATION, City Clerk Arruda, to City Council, submitting AN ORDER setting the interest rate for items pawned at a rate of 3% per month, or a 36% annual percentage rate (“APR”), for loan amounts greater than \$25.00.

17a. AN ORDER,

18. PETITION, Henry N. Lee, Lee Transportation Corp. d/b/a/ Checker Standard Livery Service, 271 County Street, New Bedford, MA 02740, requesting that he be granted a NEW PRIVATE LIVERY LICENSE under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. (Submitted by Council President Alves.)

18a. AN ORDER,

19. PETITION/INDEMNITY AGREEMENT, Humberto Pereira d/b/a/ MEDICAL UNIFORMS & FOOTWEAR for permission to encroach on City sidewalk 4 ft. x 4 ½ ft. with table/display and clothing rack. (Submitted by Councillor Koczera.)

19a. AN ORDER,

20. APPLICATION, Khalil Arsanios, Lessee, 5 Franklin Street, New Bedford, MA 02740 for a SPECIAL PERMIT FOR AUTO SALES at 308 Mill Street, former inspection station. (To be Received and Referred to the Committee on Appointments and Briefings.)

21. COMMUNICATION, Ronald A. Durgin, Inspectional Services Commissioner, to City Council, regarding an EMERGENCY DEMOLITION of 433 (Rear) Union Street – Single Family, due to the truly unsafe structure, and in hopes of abating any possible hazard to the surrounding neighbors that could occur.

22. COMMUNICATION, Attorney Richard E. Fleury, 33 College Hill Road, Suite 20D, Warwick, Rhode Island 02886, to Rita D. Arruda, City Clerk, responding to Motion of Councillors Coelho and Gomes regarding problems with Recycling Associates, Inc. collection bins.

23. COMMUNICATION, Veterans Transition House, Media Advisory announcing James R. Leal of Fairhaven as the ninth annual Southeastern Massachusetts Veteran of the Year and Awards Ceremony to be held on Friday, November 9, 2007 at 19 Willis Street, the Disabled American Veterans Memorial Building.

### ***TABLED BUSINESS***

**02/23/06** WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

**02/23/06** COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

**07/20/06** CITATION, Councillor Pina, honoring PAUL PELLETIER, in recognition of his Years of Service to the Residents of Boa Vista Housing Development as President of the Tenant Association for the past Six Years.

**08/17/06** CITATION, Councillor Morad, honoring SPECIALIST ALVARO A. SANTOS, United States Army Reserve, 844<sup>th</sup> Engineering Battalion, a Heavy Construction Equipment Operator, who served in support of Operation Iraqi Freedom in Kuwait from December 18, 2004, to December 12, 2005, and was awarded the Army Achievement Medal, the National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with “M” Device, Army Service Ribbon and the Overseas Service Ribbon.

**08/17/06** CITATION, Councillor Pina, honoring BELMIRO FERNANDES, United States National Guard, in recognition of his serving our County in Operation Iraqi Freedom, from September 06, 2005, until July 06, 2006.

**08/17/06** RESOLUTION, Council President Alves, recognizing AUGUST 09, 2006, as COMCAST/TOON DISNEY’S PASSPORT TO READING DAY IN NEW BEDFORD.

**08/17/06** RESOLUTION, Council President Alves, honoring POLICE OFFICER PAUL FONSECA for his HEROIC ACTIONS AT THE SAVOY NURSING HOME FIRE – JULY 23, 2006.

**01/25/07** WRITTEN MOTION, Councillor Pina, requesting, on behalf of the residents of Hillman Street, that the Traffic Commission issue Residential Parking signs to the neighbors surrounding the Quest Center and New Directions, as the employees, and visitors, are taking up all the parking spaces, and, since there is no residential off-street parking at their homes, the residents are in need of parking places.

**02/08/07** HEARING, on APPLICATION of CYNTHIA AND ERIC BELINKOFF, 366 HATHAWAY REALTY TRUST, 366 HATHAWAY ROAD, NEW BEDFORD, MA 02740, requesting AN INCREASE in License to keep, store and/or sell products of CRUDE PETROLEUM or any of its products, at 366 HATHAWAY ROAD, being Plot 94, Lot 20; Application is for 40,000 GALLONS (from 25,520 gallons) of gasoline and diesel fuels underground. (License for 25,520 gallons was previously granted on September 13, 1973, to Texaco, Inc., and registered to 366 Hathaway Realty Trust in August 2006.) (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

**02/08/07** AN ORDER, (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

**05/24/07** CITATION, Councillors Alves and Pina, honoring P.A.C.E. (PEOPLE ACTING IN COMMUNITY ENDEAVORS), in recognition of 25 Years of Service to the Greater New Bedford Area.

**05/24/07** RESOLUTION, Councillors Alves, Morad, Saunders and Pina, honoring DPI COMMISSIONER RONALD LABELLE in recognition of his receiving the National Association of Clean Water Agency’s 2007 Local Public Service Award, presented at the NACWA 2007 Forum on May 07, 2007 in Washington, D.C.